



IN AF
1632

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450
on November 22, 2004

Date of Deposit

John Murray

Name of applicant, assignee or
Registered Representative

John Murray

Signature

November 22, 2004

Date of Signature

Case No. 8642/91

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary J. Nabel et al.

Serial No: 09/663,889

Examiner: Kelly, Robert M.

Filed: September 18, 2000

Group Art Unit: 1632

For: KITS FOR SITE-SPECIFICALLY
TRANSFORMING CELLS IN VIVO

11/29/2004 HALI11 00000073 09663889

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340.00 OP

**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 26, 2004 of the Examiner finally rejecting Claims 17 and 19-36.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection was granted on _____ for _____ month(s).

2. A timely response to the final rejection has been filed, as provided in 841 O.G. 1411.
3. Fee \$340
 Enclosed
 Not required (Fee paid in prior appeal)
 Charge to Deposit Account No. 23-1925 (One additional copy of this Notice enclosed herewith)
 The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
4. I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: November 22, 2004.


John Murray
Registration No. 44,251
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: November 22, 2004 Name: John Murray, Ph.D. Signature: John Murray

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Gary J. Nabel et al.

Appln. No.: 09/663,889

Examiner: Robert M. Kelly

Filed: September 18, 2000

Art Unit: 1632

For: Kits For Site-Specifically Transforming Cells
In Vivo

Attorney Docket No: 8642/91

Mail Stop After Final
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

Notice of Appeal
 Return Receipt Postcard

Fee calculation:

No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$____ for a ____-month extension of time under 37 C.F.R. § 1.136(a).
 A petition or processing fee in an amount of \$____ under 37 C.F.R. § 1.17(____).
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	or	Rate
Total		Minus			x \$9=			x \$18=
Indep.		Minus			x 44=			x \$88=
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=
					Total	\$	Total	\$

Fee payment:

A check in the amount of \$340 is enclosed.
 Please charge Deposit Account No. 23-1925 in the amount of \$____. A copy of this Transmittal is enclosed for this purpose.
 Payment by credit card in the amount of \$____ (Form PTO-2038 is attached).
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John Murray

John Murray, Ph.D. (Reg. No. 44,251)

Date

November 22, 2004